



Entered on Docket
October 13, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

Rob Charles (NV 6593)
John Hinderaker (AZ 018024)
Marvin Ruth (NV 10979)
3993 Howard Hughes Parkway, Ste. 600
Las Vegas, Nevada 89169-5996
Telephone (702) 949-8320
Facsimile (702) 949-8321
Email: rcharles@lrlaw.com
jhinderaker@lrlaw.com
mruth@lrlaw.com

Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,
USA CAPITAL REALTY ADVISORS, LLC,¹
USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,
USA CAPITAL FIRST TRUST DEED FUND, LLC,²
USA SECURITIES, LLC,³
Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING THIRD OMNIBUS
OBJECTION OF USACM TRUST TO
PROOFS OF CLAIM BASED UPON
INVESTMENT IN BAR USA LOAN**

Hearing Date: October 5, 2009
Hearing Time: 9:30 a.m.

Affects:

- ☐ All Debtors
☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the “Third Omnibus Objection of USACM Trust to
2 Proofs of Claim Based Upon Investment in BarUSA Loan,” [Docket No. 7344], (the
3 “Objection”); with appropriate notice of the Objection having been given; no response to
4 the Objection having been filed; and good cause appearing:

5 **IT IS HEREBY ORDERED:**

- 6 1. The Objection is sustained; and
- 7 2. The claims listed in **Exhibit A** based upon a Direct lender investment
8 in the BarUSA loan are disallowed in their entirety.

9 PREPARED AND RESPECTFULLY SUBMITTED BY:

10 **LEWIS AND ROCA LLP**

11 By /s/ Marvin Ruth (#10979)
12 Rob Charles
13 John Hinderaker (*pro hac vice*)
14 Marvin Ruth
15 3993 Howard Hughes Parkway, Ste. 600
16 Las Vegas, Nevada 89169-5996
17 Telephone: (702) 949-8200
18 Facsimile: (702) 949-8398
19 *Attorneys for USACM Liquidating Trust*
20
21
22
23
24
25
26

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee: August Landis	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

###

Submitted by:

LEWIS AND ROCA LLP

By: /s/ Marvin Ruth (#10979)
 Rob Charles
 John Hinderaker (*pro hac vice*)
 Marvin Ruth
Attorneys for USACM Liquidating Trust

Claim	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the BarUSA/\$15,300,000 Loan
10725-02240	Mcquerry Family Trust	William Mcquerry 318 Singing Brook Cir Santa Rosa, CA 95409-6483	202,022.00	202,022.00
10725-02138	Millar, Russell	923 Ceres Rd Palm Springs, CA 92262	100,000.00	100,000.00
10725-00016-2	Moon Trustee Of The Decedent`S Trust, Frieda Moon	Of The Restated Moon Irrevocable Trust 2504 Callita Court Las Vegas, NV 89102	25,538.20	25,538.20
10725-00835	Richard E Schneider & Phyllis I Pratt Revocable	Trust Dtd 12/16/04 Richard E Schneider & Phyllis I Pratt Co-Tees 3424 Herring Gull LN North Las Vegas NV 89084-2424	80,000.00	80,000.00
10725-01796	Ronald Abrams Ent Inc Employee Retirement Trust	Ronald & Claire Abrams Ttees 2894 Woodwardia Dr Los Angeles, CA 90077-2123	50,000.00	50,000.00
10725-00833	Schneider, Richard	3424 Herring Gull LN North Las Vegas, NV 89084	80,000.00	80,000.00
10725-00145	Sierra, Debra	Joshua D Brysk Law Offices Of James G Schwartz 7901 Stoneridge Dr Pleasanton, CA 94583	51,822.91	51,822.91
10725-00382	Sobesky, Stephen	1118 Olmo Boulder City, NV 89005	70,000.00	70,000.00
10725-00423	Sobesky, Stephen F	1118 Olmo Way Boulder City, NV 89005-3116	70,000.00	70,000.00
10725-01370	Spangler, William M	3460 Squaw Road West Sacramento, CA 95691	14,000.00	14,000.00

EXHIBIT A